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Report on an exchange at the Supreme Court of Latvia

ACA-Europe Exchange Programme | Riga, 14–18 September 2026

Home institution: Belgian Council of State, Administrative Litigation Section
Capacity: First Auditor
Host institution: Supreme Court of the Republic of Latvia, Department of Administrative Cases

Summary

The exchange offered an opportunity to examine how Latvia organises judicial protection against public authorities, from administrative decision-making to constitutional review. Particular attention was given to the *ex officio* principle: the administrative court takes responsibility for establishing the relevant facts and assessing their legal significance. Comparison with the Belgian Council of State highlighted both the different scope of that responsibility and the distinctive role of the Belgian Auditors' Office. The visits also illustrated the practical importance of European law and the interaction between administrative and judicial remedies. Two practices stood out as sources of inspiration: professional communication about judgments, and the gradual introduction of AI, including the Judicata legal search tool. Above all, the exchange deepened my awareness of the administrative judge's protective role in a relationship marked by the public authority's greater resources and powers.

I. Programme of the exchange

As First Auditor at the Administrative Litigation Section of the Belgian Council of State, I participated in an exchange hosted by the Supreme Court of Latvia from 14 to 18 September 2026. The programme combined court visits, a hearing, presentations and discussions with judges, legal advisers, researchers and other court staff. On the first day, I also presented the Belgian Council of State and its working methods, providing a basis for comparisons throughout the week.

The visits to the Administrative Regional Court and the Administrative District Court brought the procedural framework into focus. At the Regional Court, I attended a hearing concerning the recovery of agricultural subsidies. The visits to Latvijas Banka and the Ministry of Finance then provided a different perspective: that of institutions preparing and applying the rules that may later come before the courts. Public procurement was explained during the Ministry visit, including the work of the Procurement Monitoring Bureau. The programme also covered the Constitutional Court, the Supreme Court's communication and

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research functions, and its use of AI. Tours of the Palace of Justice and Riga Castle complemented the professional discussions. An anonymised version of the programme appears in the annex.[1]

II. The hosting institution

The Supreme Court, also known as the Senate, comprises departments for civil, criminal and administrative cases. The Constitutional Court is a separate institution. The ordinary administrative court structure has three levels: the Administrative District Court, a single court with five courthouses; the Administrative Regional Court; and the Supreme Court's Department of Administrative Cases. The present specialised administrative courts began operating in 2004.

The District Court normally hears cases at first instance. The Regional Court examines appeals on fact and law and also hears certain categories of cases directly at first instance. The Senate's principal task is to act as a court of cassation, reviewing whether the lower court correctly interpreted and applied the law. It does not reassess the facts or evidence as a third instance.[2] Special legislation provides exceptions to the ordinary three-tier court system. For example, in public procurement disputes, decisions of the Procurement Monitoring Bureau may be challenged before the Administrative District Court, with a direct appeal in cassation to the Senate, bypassing the Administrative Regional Court.[3] The Senate also acts as the court of first and only instance in certain disputes concerning parliamentary election results.[4]

Written proceedings are the norm at all three levels of Latvian administrative justice. Under the Administrative Procedure Law, cases are generally examined without an oral hearing, although the court may order one where it considers this more appropriate.[5] At first instance, however, an oral hearing must be held if requested by the applicant or another person entitled to do so under the law.[6] On appeal, the Administrative Regional Court may order an oral hearing after considering a reasoned request from a party.[7] In cassation, the Supreme Court likewise normally proceeds in writing.[8] The system thus favours written

[1] Host institution, Exchange Visit Programme, 14–18 September 2026, p. 1; visit notes, 22 September 2026, sections 1–2 and 8.
[2] Administrative Procedure Law (APL), sections 325 and 347. APL.
[3] Public Procurement Law, section 72(1)–(2).
[4] Saeima Election Law, Sections 51 and 54.
[5] APL, section 112 (1)- (2).
[6] APL, section 206(1)–(2).
[7] APL, section 304(1).
[8] APL, section 339(1).

proceedings while preserving oral hearings where required by law or considered appropriate.

The presentations also highlighted the importance of legal support within the Supreme Court. Judges are assisted by personal assistants, whose duties include legal research, preparing draft judgments and procedural decisions, communicating with the parties, and performing administrative tasks normally entrusted to the court registry. Legal research counsels are not assigned to an individual judge: they work on particular fields or research questions and may prepare draft rulings in complex cases.

III. The law of the host country and the comparative aspect

The ex officio principle in administrative litigation

One of the most striking features of Latvian administrative justice is the **extent to which the court itself is responsible for examining the lawfulness of a contested administrative act**. Unlike the Belgian Council of State, whose review in annulment proceedings is generally confined to the pleas raised by the applicant, Latvian administrative courts are not limited to the specific legal violations identified by the parties. Within the limits of the claim, the court has an independent responsibility to determine whether the administrative act complies with the applicable law.

This approach is expressly enshrined in the Administrative Procedure Law. Section 103(2) requires the court, *ex officio*, to establish the relevant circumstances objectively and provide its own legal assessment. The principle thus has **two distinct dimensions**.

First, the court plays an active role in establishing the facts. Under Section 107(4) APL, it may give instructions to the parties and collect evidence on its own initiative. If the evidence submitted is insufficient, Section 150(4) requires the court to obtain additional evidence.

Second, and more importantly for the comparison with Belgium, the court assumes responsibility for the legal assessment of the contested decision. It must identify and apply the relevant legal provisions without depending entirely on the applicant's ability to formulate technically precise grounds of illegality. Section 250(1) specifies the scope of judicial review: the court examines whether the administrative act complies with procedural and formal requirements, whether it conforms to substantive law, and whether

the grounds relied upon by the authority justify the obligations imposed or the rights granted or denied.

The Latvian principle is not unlimited. Under Section 249 APL, the court must remain within the subject matter of the claim (*non ultra petita*). Moreover, when examining the lawfulness of an administrative act, it may rely only on the grounds invoked by the administrative authority in the contested decision, except where the applicant seeks the issuance of a favourable administrative act.[8] The court's investigative responsibility does not relieve the parties of their obligations regarding evidence,[9] nor does it authorise the court to substitute its own assessment for decisions falling within the administration's lawful discretion.[10] The parties must also have an opportunity to comment on the factual and legal issues relevant to the judgment.[12]

The rationale behind this approach is particularly significant. In a decision of 11 June 2010, the Latvian Constitutional Court emphasised that the state and the individual are not on an equal footing in administrative proceedings. Public authorities generally have substantially greater human and material resources. The *ex officio* principle seeks to counterbalance this structural inequality by ensuring that judicial protection does not depend entirely on the individual's legal knowledge or ability to present the case. The court is not expected to favour the applicant, but to ensure that the lawfulness of administrative action is effectively examined.[13]

The contrast with the Belgian Council of State is particularly interesting. Although its proceedings are inquisitorial, the applicant must, in principle, identify the legal rule allegedly infringed and explain how that infringement occurred. The Council's examination is therefore generally confined to the pleas submitted by the parties, apart from limited matters of public policy, which need to be examined *ex officio*.[14] This does not mean that the Belgian Council of State has a passive role. The Auditors' Office conducts an independent investigation, may request additional documents and information, and submits a reasoned report proposing a solution to the dispute. The chamber subsequently carries out its own examination.[15] **The principal difference therefore lies not in the power to investigate the facts, but in the scope of the legal review that the court may undertake on its own initiative**.

[8] APL, section 250(2).
[9] APL, section 150(1)–(4).
[10] APL, sections 253 and 254.
[12] APL, section 247(3).

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For me, this approach raises a fundamental question about the respective responsibilities of the applicant and the administrative judge. The Belgian system places greater emphasis on the applicant's responsibility to identify specific grounds of illegality. The Latvian system entrusts the court with a broader responsibility for the legal examination of the dispute. Both approaches seek to ensure effective judicial protection, but they strike a different balance between judicial initiative and the parties' responsibility for defining the case.

Jurisdiction and remedies

The range of remedies described by the Latvian administrative courts is broader than annulment alone. It encompasses challenges to administrative acts and actual conduct, certain declarations about public-law relationships, disputes concerning public-law contracts and compensation.[11] Where a person seeks a favourable administrative decision,[17] the court may order the authority to issue it; the extent to which it can prescribe the content depends on the applicable law and the discretion remaining to the authority. The District Court's presentation illustrated this distinction through examples concerning refugee status and building permits. The court may oblige the institution to issue a favourable administrative act granting the applicant a status of refugee. The court may oblige the municipality to consider issuing a building permit to the applicant, considering the facts and legal reasoning set in het court's judgment.

[13] Latvian Constitutional Court, decision of 11 June 2010, No. 2010-11-01, paragraph 8.

[14] *Ex officio* review of grounds of illegality is exceptional and confined to matters of public policy, such as lack of competence of the authority adopting the contested act, disregard of the binding effect of an earlier annulment judgment, or failure to obtain a legally required opinion from the Council of State's Legislation Section. See Belgian Council of State, 2 April 2026, No. 266.268; Constitutional Court, 29 October 2015, No. 152/2015, B.43.4.

[15] Articles 23–25 of the coordinated laws on the Belgian Council of State.

The appropriate Belgian comparison is with the distribution of protection across several courts, not solely with the Council of State's annulment jurisdiction. The Council reviews administrative acts and regulations, provides interim protection and exercises administrative cassation jurisdiction. It can also award compensatory indemnification under the conditions of Article 11bis of its coordinated laws. Other disputes involving public authorities fall to the ordinary courts or specialised administrative tribunals. The contrast is therefore primarily institutional: similar needs for protection are channelled through different arrangements.[12]

The Constitutional Court adds another dimension. Its review extends beyond statutes to other normative acts, including government regulations and municipal rules, within its statutory jurisdiction. The Belgian Constitutional Court, by contrast, reviews legislative norms; review of administrative regulations is exercised elsewhere, including by the Council

[11] APL, sections 92–97, and 184.

[17] APL, section 254.

[12] Belgium, coordinated laws on the Council of State, Articles 11bis, 14 and 17.

of State. These differences show why institutions with similar names cannot simply be treated as equivalents.[13]

Specialised administrative review in public procurement

The Procurement Monitoring Bureau offered a concrete example of a different route to resolving disputes. It is an administrative authority under the Ministry of Finance, with functions that include guidance, supervision and examination of complaints. Within the statutory complaints procedure, it can prohibit contract conclusion, set aside unlawful requirements or decisions and require corrective measures. It remains an administrative body, not a court.[14]

A complaints decision may be challenged before the Administrative District Court, with direct cassation to the Senate rather than an ordinary appeal to the Regional Court. In Belgium, the remedies legislation does not provide an equivalent general prior complaints body. Annulment and suspension fall to the Council of State or the ordinary courts depending on the contracting authority's status. The Latvian arrangement prompted me to consider how specialised administrative examination and subsequent judicial protection can complement each other.

IV. The European aspect of the exchange

European law was a recurring part of the discussions rather than a separate topic added to them. At Latvijas Banka and the Ministry of Finance, financial regulation and the implementation of EU law formed part of the explanation of everyday work. At the courts, European questions arose in relation to evidence, privacy and the permissible exercise of public power.

The agricultural subsidy hearing illustrated how a possible preliminary reference develops within a concrete dispute. The judges raised the issue and invited the parties to comment, including on whether additional questions should be submitted. My notes establish that this possibility was discussed, not that a reference was ultimately made. The hearing also raised the difficulty of relying on material from criminal proceedings that the applicant could not inspect. It brought home the connection between judicial initiative and a meaningful opportunity to contest the material used against a party.

[13] Latvian Constitutional Court Law, sections 16 and 19²; Belgian Constitution, Article 142; Special Law of 6 January 1989, Articles 1 and 26.
[14] Public Procurement Law, sections 65–71.

The shareholder-data case discussed at the Constitutional Court provides an identifiable example of judicial dialogue. In *Jautiva*, C-798/24, decided on 3 September 2026, the Court of Justice answered questions from the Latvian Constitutional Court about public access to shareholders' personal data. It held that Directive 2017/1132 does not require disclosure of information about every shareholder. It also found that the GDPR precludes the unrestricted online disclosure at issue, without access conditions such as demonstrating a legitimate interest. The objectives of business transparency, combating money laundering and implementing sanctions did not justify that extent of disclosure. The distinction is between keeping information in a register and making it available indiscriminately, not between transparency and complete secrecy. The judgment illustrated how a national constitutional dispute can require prior clarification of both the obligations and the limits imposed by EU law.[15]

V. "Good Practice" within the host jurisdiction

Professional communication: explaining the judicial task

The Supreme Court's communication staff made a strong professional impression on me. Their presentation described communication as a planned activity, with different audiences and channels, rather than a response confined to occasional press inquiries. Journalists, practising lawyers, students, schoolchildren and the wider public were addressed in different ways. Open and proactive communication was also identified as part of the Court's 2026–2029 strategy.

The process of preparing press releases was particularly instructive. The communication team identifies suitable cases through its own research and in cooperation with the judicial departments, taking into account their wider public significance, implications for fundamental rights, media interest and preliminary references to the Constitutional Court or the Court of Justice of the European Union. Drafts are reviewed by the judge-rapporteur before publication and distribution. The stated aim is to issue press releases in approximately ten per cent of Senate cases, although this remains a target rather than an established rate.

[15] CJEU, 3 September 2026, Jautiva, C-798/24; official press release No. 115/26, pp. 1–2. This concerns shareholders, not an automatic identification with beneficial owners. Official account.

A particular challenge is striking the right balance between addressing legal professionals and engaging the wider public. The Supreme Court pursues three main objectives in its press releases. First, it seeks to identify aspects of judgments that are relevant and accessible to non-lawyers, even in technically complex cases. Second, it aims to highlight the Court's contribution to legal and societal debate. Third, and above all, it seeks to provide neutral and impartial information about significant judicial decisions. Beyond reporting the outcome of individual cases, press releases also serve to educate the public, place judgments in their broader context and foster public understanding of, and confidence in, the judiciary.

Judicata and the gradual introduction of AI

Judicata was introduced as a response to a familiar research problem: a legal question cannot always be reduced to the right keywords, and relevant decisions may be scattered across different collections. The user can describe a question and refine the search by criteria such as case type and date. The demonstrated results combined passages with identifying details, access to the full decision and a facility for copying a citation. In the form presented, the tool retrieves sources rather than composing a new legal answer.

That distinction matters. Finding a passage is only the beginning of legal analysis: it must still be read in context and checked against the reasoning and outcome of the decision. The presentation expressly required verification by the user. It described an internal, locally hosted system using anonymised judgments, accessible through the court network or VPN.

I was especially interested in the introduction process. Departments are consulted about their actual needs, and training is adapted to their work. The programme covers security, data protection, approved tools and research and text-related tasks. Users can report problems and rate results. At the time of the visit, Judicata was new and feedback remained limited. Further databases (HUDOC, InfoCuria, other open data), automatic summaries and a restricted chatbot were presented as development plans, not as completed functions.

VI. The benefits of the exchange

The most important benefit was a deeper awareness of the administrative judge's protective task. A person challenging a public authority faces an institution with powers, expertise and resources that are not ordinarily available to an individual. During the visit, that imbalance was not treated merely as background. It helped explain why the court takes an active role in examining the case.

The discussions connected this task with Latvia's Soviet past and the restoration of the rule of law. This was also a renewal of an older legal tradition: Latvia had legislation on administrative courts in 1921. The historical context made a familiar principle more tangible for me. Access to an independent court capable of holding the administration to the law is an achievement, not an assumption.

Protection does not mean taking the applicant's side. It means ensuring that the public authority's structural advantage does not prevent a genuine examination of the claim. As First Auditor, I return to that thought when considering the purpose of our own

investigation. Behind the file and the legal arguments is a person asking whether public power has been exercised lawfully. The Latvian experience renewed my attention to that question without diminishing the importance of impartiality, legal certainty or the rights of others.

I intend to share this report with colleagues and use it as a basis for internal discussions on the *ex officio* principle, judicial communication and legal research. The introduction of Judicata is particularly inspiring, as we are also exploring AI solutions to improve access to and retrieval of information from our own legal databases.

VII. Conclusion

The exchange in Riga was an intensive, highly interesting and rewarding experience. I particularly appreciated the opportunity to explore topics closely related to my professional interests and to combine visits to courts with discussions at public authorities, offering a broader perspective on administrative justice. Throughout the week, I was exceptionally well guided and supported. Every effort was made to ensure that the programme ran smoothly, and I always had someone to turn to for assistance or further explanations. I am sincerely grateful to ACA-Europe and the Supreme Court of Latvia for making this exchange possible, and especially to the colleagues who organised the programme and accompanied me throughout the visit. Their warm welcome, dedication and willingness to share their knowledge made the experience both enjoyable and enriching. I return with valuable insights, practical ideas and a renewed appreciation of the essential role of administrative justice in protecting citizens against unlawful government action.

Annex — Programme of the exchange

Anonymised version of the host institution's programme, 14–18 September 2026. Names and detailed venue information have been omitted; the sequence and scheduled times are retained.

Monday, 14 September

10:00 Arrival at the Supreme Court.

10:30–11:45 Introduction to the Supreme Court with judges and legal staff of the Department of Administrative Cases.

12:00–13:00 Lunch.

13:00–15:00 Presentation of the Belgian Council of State and discussion.

15:00 Guided tour of the Palace of Justice.

Tuesday, 15 September

09:00–10:00 Introduction to the Regional Administrative Court and briefing on the hearing.

10:00–11:30 Observation of a hearing and introduction to administrative proceedings.

11:30–12:00 Continuation of the visit at the District Administrative Court.

12:00–14:00 Discussion of the District Court's work, tour and document-management presentation.

18:00 Dinner with representatives of the Supreme Court.

Wednesday, 16 September

10:00–11:00 Visit to Latvijas Banka: operations and financial and economic matters.

11:30–13:00 Ministry of Finance: financial markets, taxation and public procurement.

13:00–13:30 Break.

13:45–15:00 Tour of Riga Castle.

Thursday, 17 September

11:00–12:30 Constitutional Court: meeting with a judge, museum tour and discussion with the Legal Department.

12:30 Break.

14:00–15:00 Supreme Court Division of Communication.

15:00–16:00 Discussion with the Division of Case-law and Research.

Friday, 18 September

10:00–12:00 Discussion with judges of the Department of Administrative Cases.

12:00–13:00 Lunch.

13:00–14:00 Presentation on artificial intelligence at the Supreme Court.

14:00–15:00 Continued discussions with legal research counsels. **15:00**
Conclusion of the visit.

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